

ARCHITECTURAL CONTROL COMMITTEE ARCHITECTURAL COVENANTS AND GUIDELINES
Folkstone Homes Association
A Guide for Folkstone Residents On the Planning and Design Of Exterior Additions and Alterations

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I. INTRODUCTION

Owners/residents of Folkstone are governed by Restrictive Covenants that apply to all property in the community. These covenants are, in many cases, quite specific. In other areas, the covenants are general, specific decisions are referred to the Architectural Control Committee (ACC), appointed by the Board of Directors of the Folkstone Homes Association, hereafter referred to as the "Board" and the Association", respectively. The ACC is charged to insure that the restrictions prescribed in the covenants are available to all owners/residents and that the guidelines are established to assist in complying with the covenants.

The guidelines explain the covenants to you, the owners and residents of the Folkstone

Community. Property ownership includes the responsibility for the maintenance of all structures and grounds that are part of the property. This includes, but is not limited to, items such as mowing grass, trimming shrubs, clearing underbrush, removal of trash, and the upkeep of all structures and appurtenances, such as decks, fences, sheds, mailboxes, and playground equipment. Maintenance affects the visual character and the value of the property and hence the entire neighborhood, and may also affect the safety and security of residents. Most of us would not allow our property to deteriorate as we seek to preserve and protect our investment and to limit the potential for personal liability. The association expects that all owners and occupants will perform the necessary maintenance that will preserve the high standards expected of us by our neighbors. It is the expectation of the ACC that voluntary compliance with the Restrictive Covenants and these guidelines can be achieved through responsible consideration for each other. It is widely recognized that, by maintaining a community in accordance with the dictates of good taste, the property retains its value or even increases in value. This, plus the enhanced beauty of a well-maintained community, increases the enjoyment of that community by all its members.

The ACC recognizes the desire of owners/residents for independence and discretion in the maintenance and appearance of individual properties. However, it must also recognize that the Restrictive Covenants provide that the best interests of the community be pursued, sometimes at the cost of subordinating individual desires. While evolutionary change is inevitable, Folkstone is a planned community that attempts to preserve a natural, rural, and rustic setting, as contrasted with more modern motifs of some of the surrounding developments. The enjoyment of the community by all residents requires the exercise of restraint and good taste, as well as the consideration and goodwill of neighbors. The ACC trusts that these guidelines will foster such neighborly goodwill, which in turn will lead to a community census and a collective definition of good taste.

II. RESTRICTIVE COVENANTS Article VI, paragraphs 1-10, provides guidance and restrictions pertaining to the maintenance and appearance of homes and grounds. Paragraph 11 prescribes the right and responsibility of the Association to enforce the Restrictive Covenants. Paragraphs 1, 2, 3, 4, 5, 6, 7 and 10 allow little or no discretion or judgment on the part of the Association or the owner/resident. Paragraphs 4, 8, and 9 concern offensive activities, the painting of building exteriors, and the erection or alteration of structures, over which the Association has some discretion. Paragraphs 4, 8 and 9 provide that: 4. No noxious or offensive activity shall be carried on any portion of the Properties, nor shall anything be done thereon or permitted to remain on any Lot which may be or become a nuisance or annoyance to the neighborhood. 8. No person shall paint the exterior of any building a color different than the original color of said building without the proposed color having been approved by the Board of Directors of the Association, or by and Architectural Control Committee appointed by the Board. 9. No structure or addition to be a structure shall be erected, placed or altered on any lot until the plan and specification, including elevation, material, color and texture and a site plan showing location of the improvement with the grading modifications shall be filed with and approved in writing by the Board of Directors of the Association or an Architectural Control Committee appointed by the Board. Structure shall be defined to include and building or portion thereof, fence, pavement, driveway or appurtenances to any of the aforementioned. Except where otherwise provided in the guidelines, the subjects covered by paragraphs 8 and 9 of the Restrictive Covenants must be approved in writing by the ACC. The explanations provided in the guidelines are for the providing additional guidance With regard to obtaining approval fro the ACC. The subjects discussed should not be considered to be an all-inclusive list of all matters covered by paragraphs 4, 8, and 9. Any subjects not specifically addressed by the guidelines should

be presented to the ACC for resolution. Moreover, it should be noted that approval by the ACC in no way relieves the owner from the responsibility to comply with all county ordinances and other regulatory measures pertaining to building permits and to the location, design, and erection of structures on any property within the community. The ACC will not knowingly approve a project that would not be in compliance with local or state zoning or building codes.

III. SPECIFIC GUIDELINES

Air Conditioners The additions of window air conditioners are not allowed.

Antennas A chimney or roof-mounted TV antenna is hereby approved by the ACC. Other antennas, such as for amateur radio and satellite dish antennas should be unobtrusive and must be approved by the ACC.

Attic Ventilators A ventilator located on the side of the roof away from the street view is hereby approved by the ACC. If painted, ventilators shall be the color of the roof or flat black.

Awnings The addition of awnings must be approved by the ACC. Awnings should normally be of a solid color in keeping with the color of the building or trim.

Basketball Standards Basketball standards (backboard) may be mounted on roofs or on metal or wood posts specifically designed for such purposes. Except for location, the specific guidelines for play equipment (see below) apply, including the requirement for maintenance and for timely removal when no longer required. All standards require ACC approval.

Chimneys The addition of a chimney, the exterior of which is all brick and matches the existing brick of the facing or the other chimney both in color and size, is hereby approved by the ACC. All chimney designs must be approved by the ACC. Rooftop flues should be painted the color of the roof or flat black.

Decks and Gazebos The addition of a deck or gazebo, or the alteration of such, must be approved by the ACC. The color, whether paint or stain, must also be approved. A deck should generally be located on the rear of the primary structure, and the design, material, and color should be compatible therewith.

Decorative Objects Any introduced decorative objects, natural or manmade, require ACC approval. This includes such items as birdbaths, sculptures, fountains, ponds, stumps, and driftwood piles. Holiday decorations are accepted from this requirement but must be removed within 30 days of the end of the holiday.

Dog Houses Doghouses must be approved by the ACC and must be located in the rear of the primary structure, with consideration given to the affect on neighboring lots. Design, materials, and color should be such that a doghouse blends with the surroundings. Landscaping should be used to conceal doghouses from view and kept in good repair.

Driveways and Parking Pads Only hard surfaces such as asphalt and concrete are acceptable. ACC approval is required.

NOTE: Driveways and parking pads that are visible from the street may not be used to store boats or other recreational vehicles, in accordance with Paragraph 10 of the Restrictive Covenants. Also note that no JUNK (defined as inoperative) vehicles or house trailers may be stored (parked for more than 14 days) on any lot. Vehicles must only be parked on driveways or prepared parking pads.

Fences Fences, regardless of location must be approved by the ACC in writing. The design of fences should be in keeping with the character of the community. Open design is preferable to closed (such as stockade) privacy type. Natural finishes are usually accepted and preferred. Chain link fences and barbed wired fences of any type are not allowed. Alternative and supplements to fencing, such as the use of landscaping to achieve the desired screening while reducing the impact on others, is strongly encouraged. Any fence should present its "good" side, if applicable, toward the neighbors and ordinarily should not extend beyond the front of the line of the residence (no front yard fences) except that decorative fences, open and no higher than 3 feet, may be used to enhance landscaping, often at property corners or walkways. In any case, the overall impact on the neighbor's view and property should be carefully considered. Acceptable materials include: rough wood, brick, stone, and end finished wood. Open fences may be backed with wire mesh, if necessary, for pet control or other intrusion control.

Flag Poles and Flags Wall-mounted flagpoles that protrude

less than eight feet from the residence are hereby approved. All vertical flagpoles require ACC approval whether freestanding or attached to any structure. Care should be taken to insure that vertical flagpoles are absolutely plum and that they remain so. Only United States and Virginia State flags may be displayed in accordance with proper US Government guidelines. Garages and Carports Garages and carports, whether attached or unattached, should be matches as closely as possible in style and color to the primary residence. ACC approval is required. Greenhouses All greenhouses except those that protrude through the openings must be approved by the ACC. Any unattached greenhouses should meet the location and style criteria of storage buildings. Landscaping Landscaping is encouraged to soften the effect of drastic property modifications and to retain or enhance the natural setting. Normal landscaping through the use of trees, shrubs, and plants does not require ACC approval. Extensive landscaping that requires structures such as walls, earthmoving, or significant drainage changes, must be approved by the ACC. Trees more than six inches in trunk diameter (measured 2 feet from the ground) may not be removed without ACC approval. Moreover, the County Arborist should be consulted to determine the county ordinance provisions on tree removal. Shrubs and trees should be planted with due consideration given to their expected size when fully matured. As noted in Paragraph 3 of the Restrictive Covenants, no planting may obstruct the line of sight of vehicle traffic. This often requires the periodic pruning and trimming of existing trees and shrubs. Mailboxes Mailboxes must be located on the edge of the shoulder of the street, approximately 4 feet from the roadway, near the driveway. If a mailbox is located on a street other than that of the address, its location should be approved by the Postmaster and the official street name and number must be prominently (2 inches or larger) displayed on mailboxes for visibility in both directions. This is not only a convenience for neighbors but also a necessity for emergency vehicles that could save as life. All mailboxes must be an approved type and location that meets with postal Service regulations and should be in keeping with the character of the community. Supports for mailboxes should be of adequate strength to not only support the mailbox but to withstand the stresses of snow plowing and piling. However, support should not be as massive as to obstruct or to cause serious injury to people or damage to vehicles that may accidentally strike them. Where more than one residence shares a drive, uniform style and common mounting of all mailboxes and newspaper boxes are strongly encouraged. Outdoor Cooking Equipment All non-portable outdoor cooking equipment or structures must be approved by the ACC. In general, such equipment should be designed to blend into the surroundings. Painting The painting of siding or accompanying trim in any color set offered originally by a Folkstone builder is hereby approved by the ACC. Siding colors tend to be white or muted earth tones. Other colors, including that of the trim, doors, and shutters, must be approved by the ACC and should be in keeping with the planned character of the community. Brick facings and chimneys must not be painted, even if such would match the color of the siding. Foundation walls, including blocks, should be kept painted to match the siding. Paint should not be allowed to peel, blister or crack. Patios Patios of stone or brick are hereby approved. Other surfaces such as concrete are acceptable. Enclosures or covers should be matched to the primary residence and require ACC approval in all cases. Play Equipment Children swings and Jungle-Gyms that are located in the rear of the house are hereby approved by the ACC. Location should carefully consider the impact on neighbors. Equipment should be kept in a good state of repair and finish and should be removed promptly when no longer need or used. Play Houses (including Tree Houses) Play house for children should follow the same guidelines as play equipment (see above) and storage buildings (see below). Tree houses, for safety considerations, are generally discouraged. If such are constructed, they should meet the criteria for playhouses. All unattached structures require ACC approval. Porches The addition of a porch, or the enclosing of a previously

open porch, must be approved by the ACC. Porch color, whether paint or stain, must also be approved in writing. Porch design, material and color should be in keeping with the primary structure. Retaining Walls Retaining walls may be of wood, concrete, stone or masonry. Exposed metal is not acceptable. Walls should be kept low and the impact on surrounding terrain must be considered, as well as that on the neighbors. Approval is required. Roofing The re-roofing of any structure previously approved, if using the same colors and materials as the original, is hereby approved. Any color or material different from the original even if such is approved for use elsewhere in Folkstone, requires approval by the ACC. Shutters The addition of shutters to residential structures is encouraged to supplement those provided by the builder. Any such shutters, provided that the color matches that of the original shutters, are hereby approved. The color of new shutters or the painting of any existing shutters in a color different than the original color must be approved by the ACC. Sidewalks All sidewalks, as well as risers for the continuation of sidewalks, are hereby approved by the ACC. Landscaping around sidewalks is encouraged. Solar Collectors Roof or wall-mounted solar collectors that are either flush mounted or are not visible from the street, are hereby approved. All others require ACC approval. Placement and orientation, while generally facing south, should be unobtrusive. The placement of ground-mounted collectors and panels is discouraged, but may be granted if there are unique circumstances and where placement can be obscured from public view. Storage Buildings Storage buildings should be located in the rear of the house, with due consideration given to the effect on the neighboring lots. Design, material, and color should be in keeping with that of the house. In general, storage buildings should be no farther from the principle's house than from each neighbor's house, and should be painted or stained to blend into the surroundings if this is more appropriate than the house color. Storage building construction should be at least equal in quality and appearance to that available on the commercial market. Swimming pools Only in-ground pools are approved. Adequate security must be provided and a reasonable distance from the neighbor's property lines must be maintained. The overall impact on the neighbor's property should also be carefully considered. Builder's plans, to include the fencing style and location, must be submitted to the ACC for approval. The subsequent and continual use of landscaping to reduce the visual and noise impact on the neighborhood is strongly encouraged. Signs Paragraph 5 of the Restrictive Covenants applies. No illustrated signs are permitted and temporary signs no more than four feet square in area that advertise the sale or rental of the property may be displayed on the front of the property only. Real Estate sale signs are not permitted on public property at any time. Garage sale and similar signs may be posted on the day of, and the day before, the sale date only. Permanent signs, such as house numbers and family names, must be in keeping with the rural setting.

IV. APPROVAL PROCEDURES

A. Owner/occupant obtains an application blank form from any member of the FHA Board or can go to the FHA website at WWW.FOLKSTONEHOA.COM. A sample form is attached to these guidelines. The application must include:

A drawing or photograph of the proposed change. Professional quality is not expected nor is the applicant required to incur an unreasonable expense. However, some sort of graphic design and description is required. ·

A description of the materials to be used and the texture/color of the finish. If there are differences from the materials and colors of the basic residence, it should be noted. Color plates/swatches/paint chips must be included. ·

A modified plat, site plan, or graphic description of the location of the change, essential for adequate consideration of the proposed change and its impact on the neighbors. ·

Expected completion date. Unusual long projects are subject to disapproval. If application is submitted after the fact, the actual date of completion should be shown and so noted. A completed but unapproved project is by no means a reason for approval and may be disapproved and must be removed at the owner's expense.

A listing of all affected neighbors, and a statement of the results of discussions with the neighbors about the proposed change. This requires a truthful assessment of the discussions and/or objections. Misleading statements could render void a previously approved application. Affected neighbors include, as a general rule, all those of adjoining properties, and any other whole vista is obstructed or despoiled.

B. Owner/resident must sign and date the application which is then personally delivered to any member of the ACC as listed on the Folkstone HOA WEB page.

C. ACC meets to act on the proposed change. Non-controversial actions may be approved routinely by telephone without a formal meeting. Disapprovals require an ACC meeting, documentation of discussions, and complete rationale for disapproval. ACC retains a copy of the application and supporting documentation.

D. Application with approval/disapproval is returned to the owner/occupant within 30 days, if and when possible, Findings may be transmitted to the owner/occupant by telephone if appropriate, but written results are ultimately required. A disapproval by the ACC may be appealed by the applicant to the entire Board of Directors. The Board will conduct a hearing that will include the opportunity for all parties including the ACC, to offer items for consideration. Board action on such matters is final.

V. UNAPPROVED CHANGES

Changes made to Folkstone properties that have not been approved by the ACC place the owner/occupant in a vulnerable position where legal enforcement action by the Association could result in a costly revision to or removal of the offending change. More importantly, compliance with these guidelines protects the owner/occupant from subsequent objections by any parties and from clouding the sale or transfer of the property in the future, while providing for the communicating of concerns and objections between neighbors. Paragraph 11 of the Restrictive Covenants is quite clear in this respect; unless an exterior change has been approved by the Association or its ACC, such change must be submitted for approval. Failure to enforce any covenant or restriction shall in no event be deemed a waiver of the right to do so thereafter. All changes must be approved or disapproved in writing by the ACC, unless automatically approval is provided for in Section III above. If in doubt, the resident should contact the FHA Board or the ACC.